(3)

C.F 15/-

C.F. 100/-

(1)

SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

WRIT PETITION NO.2503 OF 2005

PETITIONER : Smt. Kunj Bai Widow of Late Umend, aged about 50 years, Occupation-Service, in Industrial Relationship Department, Contract Labour Division, Shed No. 61, Old Administrative Building, Bhilai Steel Plant, Bhilainagar, Tahsil and District Durg (C.G.) and Resident of Village and Post-Khapli, Police Station Utai, Durg (C.G.).

DEFENDANT

P.R. No. 2576/05
Presented by Sushil Dubey
dated 13/6/05

VERSUS

RESPONDENT : Vishwanath Sahu Son of Late Amar Singh, aged about 55 years, Resident of House No. 1/B, Street No. 1, Sector 7, Bhilainagar, Tahsil and District Durg (C.G.).

PLAINTIFF

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA, 1950 FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS ETC. AND FOR APPROPRIATE ORDER/ORDERS, DIRECTION/DIRECTIONS.

एस. के. मुखर्जी

(39)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WP....2503/05.. **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
Pathak	**22-06-2005** Shri Sushil Dubey, counsel for the petitioners. Shri Bhaskar Payasi, Panel Lawyer for the State. Heard. The petitioner has filed this petition against the order dated 15-2-2005 passed by the leaned Addl. District Judge, Durg in Civil Suit No. 37-B/2003 whereby the Court has closed the defence case. The respondent filed a 'B' Class suit for recovery of money against the petitioner. The Ordersheets which have been filed disclosed that the petitioner was served long back. On 17-12-2004 time was granted to the petitioner to keep his witnesses present and the case was fixed for 17-1-2005. On 17-1-2005 the petitioner filed an application under Order 6 Rule 17 of C.P.C. and the case was fixed for 15-2-2005. Then on 15-2-2005, when the case was fixed, in spite of call being made again and again, when the petitioner and his advocate did not appear, the Court closed the defence case and passed order. Having considered the facts and circumstances of the case and material on record, it is not a case for interference in the impugned order in exercise of jurisdiction under Article 227 of the Constitution of India. However, the petitioner may raise these grounds/questions in appeal, if eventuality arises. In view of the aforesaid observations, the petition is disposed of. Consequently, M.(W.).P.No.2044/2005 also stands disposed of. **Sd/-** **Fakhruddin** **Judge**	

SP/FS/2005 - 20,000